

## TOWN OF TYNGSBOROUGH

Office of the Selectmen  
25 Bryant Lane  
Tyngsborough, MA 01879  
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

APPROVED

### Board of Selectmen Meeting Minutes

Monday, March 14, 2011 6:00 P.M. Town Offices, 25 Bryant Lane  
Members Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Rich Lemoine, Selectman Robert Jackson  
Staff Present: Michael Gilleberto, Town Administrator, Therese Gay, Admin Assistant

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law. The Chairman informed the public of the emergency exits to the left and rear of the room, per 527 CMR 10.13.

#### 1. 6:00 PM Open Meeting

The Board welcomed everyone and introduced themselves. The Clerk read the agenda.

#### 2. New Business

##### • 6:05 PM Verizon Underground and Pole Petitions (with MassDOT)

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to open the hearing. The Board voted unanimously on a motion by Selectman Reault, second by Selectman Lemoine to waive the reading of the abutters list. Mr. Joe Gleason, Manager of Rights of Ways for Verizon was present and Ms Carrie Lavalley of MASS DOT was also present to answer any questions relative to the relocation of the Pawtucket Blvd. This petition is at the request of Verizon and National Grid to place approximately 117 feet of underground conduit on Frost Road, 102 feet of underground conduit on Indian Lane, 175 feet of underground conduit on Parker Lane, 76 feet of underground conduit on Pawtucket Blvd, and 389 feet of underground conduit on Sherburne Road. The measurements were approximate on the plan no. 732 and Mr. Gleason amended to the actual number of feet on some of the roads during the presentation at the hearing. Mr. Gleason also presented the pole removal and replacement on the following roads. Place one pole and remove four poles on Frost Road, place one pole on Indian Lane, place two poles and remove one pole on Parker Lane, place two poles and remove two poles on Pawtucket Blvd, and place eight poles and remove seven poles on Sherburne Road as they appear on the plan no. 731. After a lengthy question and answer session with the Board, abutters and utility representative the Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Lemoine to continue this hearing to Monday April 4, 2011 at 6:05 PM at the Town Hall Offices. The Board requested of Ms Lavalley an updated plan with the pole overlay to put on the Town's Web Site. The abutters will be notified of the hearing date and will also invite National Grid to attend.

##### • 7:00 PM Joint meeting with Board of Health

###### ◦ Mercury product disposal

The Board met with the Board of Health to discuss the acceptance of a shed from Covanta and placing it behind the DPW building with a locked gate. The addition of this shed would provide a localized, controlled location away from the public and school children. Right now the used light bulbs are being stored at one of the school buildings; the School maintenance chief is working with Covanta for pick up of the light bulbs from the school. The light bulbs are also stored at the town hall and the Health office also keeps some items, such as, thermometers, and thermostats. The shed would provide a safe off site disposal of the universal waste and Covanta would pick up the

waste and dispose of it without any cost to the Town. The Boards discussed the pros and cons of having the disposal site, there is some concern about storing the used light bulbs at the school where they pose a safety threat to the children should any break. The Board voted 4-1 on a motion by Selectman Lemoine, second by Selectman Jackson to approve the proposal by the Board of Health for the disposal of Universal Waste by Covanta at no cost to the Town. Selectman Lemoine suggested that the shed have a non pervious bottom that it is secured.

- **7:45 PM Cemetery Commission - vacancy**

The Board received, from a resident, a letter of interest to serve as a Cemetery Commissioner. Mr. Robert Harden has also taken papers out for the elected position. Mr. Pelletier the only Commissioner serving on the Commission has verbally recommended that the Board appoint Mr. Hardy. Mr. Hardy was present at the meeting and introduced himself. He has the knowledge to do the job and feels it is his duty to step up and help. The Board voted unanimously on a motion by Selectman Reault, second by Selectwoman Coughlin to appoint Mr. Hardy as a Cemetery Commissioner.

- **8:00 PM Adams Barn**

Mr Warren Allgrove, Chairman of the Historical Commission submitted an estimate of what it would cost to bring the barn to a safe structure to be used as a farmer's market. The Commission will have an engineer prepare a formal set of plans signed by the engineer. They will sign any waivers necessary and Mr. Allgrove feels it would not be necessary to go to a Town Meeting. Funding would come through the CPC funds. The Historical Commissioners, after speaking with the Building Commissioner, know they will need to have a sign off from an Engineer to receive the certificate of compliance. For now the Commissioners want to use the structure as a barn only and it is to be used to house a farmer's market. Selectman Lemoine remembered and provided a copy of the RFP that was to be published in August for structural code assessment and cost analysis for the barn. It was held back because the Board had asked the Administrator to contact the Vocational School to see if they would be interested in having their students working on the project. There is funding left from the building demolition to use to put siding on the barn to make it more pleasant to look at. Selectman Lemoine motions to have the Board put out the RFP for the structural and code assessment and cost analysis of the barn, second by Selectman Jackson for discussion. After discussion the Board voted 2 in favor and 3 against. Since the Historical Commission is doing the work, Mr. Allgrove is worried that if the RFP is out there he would not have the help needed to complete the work, give me one month to complete a code assessment and cost determination for compliance to occupy the barn. If I fail then there is till time for the RFP, the Selectmen support the Historical Commission to do the work within the one month and if it can't be done then the Board will reconsider going with the RFP. Selectman Lemoine motions that the Board direct the Administrator to proceed with the three quotes to have the barn sided. The motion failed for lack of a second.

- **Animal Inspection - discussion**

The Board received and reviewed the appointment papers for the Animal Inspector from the Dept of Agriculture. The Administrator will speak to the Town of Westford to use their serves until such time the Board advertises for the position and conducts interviews and ultimately appoint and individual, and or entity.

- **Appointment of Reserve Police Officers**

The Board received and reviewed the letter from the Police Chief asking that the Board appoint two new Reserve Officers John Coburn and Benjamin Sargent, the resumes of the two individuals were also enclosed. The Board voted unanimously on a motion by Selectman Reault, second by Selectwoman Coughlin to appoint John Coburn and Benjamin Sargent as Reserve Police Officers.

### **3. Old Business**

- **Plumbing/Gas and Wiring Inspector - Appointments**

The Board received a recommendation from the Building Commissioner to appoint Joseph Smith as the Wiring Inspector and Kenneth Kleynen as the Plumbing and Gas Inspector. The Building

Commissioner and the Town Administrator conducted the interviews of the six candidates and Mr. Smith and Mr. Kleynen both were recommended.

The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Reault to appoint Joseph Smith as the Wiring Inspector and to appoint Kenneth Kleynen as the Plumbing and Gas Inspector.

- **Building Access Policy**

The Administrator has used the town hall policy as a template to be used for town buildings. He has sent it to Town Counsel for review. The Historical Commission was sent a copy and he is waiting for feed back. The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to apply the policy to the Littlefield Library Building and to have the policy reviewed by Town Counsel.

- **Energy: Supply and Net Metering**

The Board discussed the energy supply contracts. The Net Metering letter of interest is not favorable at this time and Town Counsel will need to review. But for now we need to watch to see when energy rates will be favorable. The Board has empowered the Town Administrator to review and sign a contract the will be most favorable to the Town.

#### **4. Citizen/Business Time**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

Ms Debra Connor, Mr. Robert Lord's daughter came this evening to ask the Board to look into the Zoning Board of Appeals' decision on Mr. Lord's petition. Mr. Lord wanted to build a new home on an existing small lot. The ZBA deemed it not a hardship and denied the variance. The Board did instruct Ms Connor to follow the appeals procedure and the Board will review the decision with Town Counsel and the Zoning Board of Appeals. The Administrator will send a letter with the opinion to Mr. Lord.

#### **5. Pending Meeting Minutes**

- Regular Session
  - February 28, 2011 (pending)
- Executive Session
  - January 24, 2011 (approved)
  - February 7, 2011 (approved)
  - February 13, 2011 (review requested)
  - February 22, 2011 (review requested)
  - February 28, 2011 (pending)

The Board deferred the review of the minutes to the next meeting.

#### **6. Correspondence**

Correspondence is posted at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov) with approved meeting minutes, per the requirements of the Massachusetts Open Meeting Law.

The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson, for discussion, to accept the correspondence as read. The board received and reviewed a request from the Recreation Committee to appoint Mr. Scott Ellis as a member. Mr. Ellis has submitted a letter of interest. The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Reault to appoint Scott Ellis as a member of the Recreation Commission. Selectman Reault read a letter from Sgt. Howe acknowledging and thanking Capt Wes Russell of the Fire Dept. for his assistance with their program relating to the defibrillators.

## **7. Selectmen's Reports**

- Selectman O'Neill – Capital Asset Management Committee

Selectwoman O'Neill mentioned the Finance Committee meeting and mentioned the Lowell Sun Published the Selectmen's meeting day and time.

- Selectman Coughlin – Energy and Environmental Affairs/Licenses/Insp/Utilities

Selectwoman Coughlin mentioned the projects that the Energy and Environmental Affairs Committee is working on the Street Lighting acquisition, working with the Planning Board on the Wind Energy By-law, the Town's renewable energy options and the insulation project at the town hall, and the new project of the restoration of the old town hall.

- Selectman Reault – Northern Middlesex Council Of Government

Selectman Reault – Mass DOT will open bids for the contractor for the relocation of the Pawtucket Blvd project on March 29. The Housing production plan is doing the update on the Town's 40B projects and waiting for the new census # to complete.

- Selectman Lemoine – Economic Development

Selectman Lemoine was inquiring on the budget process and how it was progressing as he has not seen any numbers. The Administrator updated the Board on the Fin Com's progress; they have met with the departments and have identified a deficit of 1.4 million dollars. The Fin Com has asked for a reduction in budget; the Tri-Board is scheduled for Monday March 21 at 7PM. There will be a release of the presentation at the Fin Com's meeting on Thursday.

- Selectman Jackson – Insurance Committee/Meeting Minute Status

Selectman Jackson announced the Insurance Committee's next meeting and that a representative from the Minuteman Nashoba Group will be present.

## **8. Town Administrator's Reports**

Report is available online at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov)

- Response to Selectmen's Requests

I have distributed a copy of the memo concerning the reporting of accidents. Asking the employees to report any incidents as soon as reasonably possible.

- Budget

The Finance Committee continues its preparation of the FY 2012 budget. A Tri-Board meeting amongst the Finance Committee, Board of Selectmen and School Committee will be held on Monday, March 21<sup>st</sup>.

- Departmental Information

The Highway Administrator has identified a potential funding source for a fleet maintenance software package. At my request, he has communicated this with the school dept and the public safety dept. and it will be available as a module for their use as well. We are requesting approval to utilize MIIA Loss Control grant credits in then amount of \$3,500 for this purchase.

With the recent generous gift of a flat screen television to the Senior Center, we now have a surplus television. A request has gone out to departments to see if this property can be utilized elsewhere. Otherwise, we will surplus it off to the highest bidder via an advertisement on Channel 8 and the Town website.

- Other

The Legislative report was provided to Senator Donoghue per her request. The Board approved the two DLTA IV proposals. Responded to a public records request from WFTX-TV regarding Angela's Coal Fired Pizza. Responded to a e-mail concerning trash/recycling, and communication concerning insurance policies.

#### **9. 8:30 P.M. Executive Session**

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining
- Litigation
- Personnel

The Board voted on a motion by Selectman Jackson, second by Selectman Lemoine to enter into Executive Session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations as an open meeting may have a detrimental effect on such subject matters and to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes. The Board entered into executive session at 10:05 P.M.

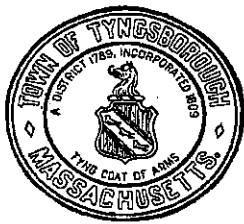
#### **10. Adjournment**

The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 10:30 P.M.

Respectfully Submitted

Therese Gay

Approved on Monday 4/25/11



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### Board of Selectmen Meeting Agenda

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- 7:00 PM Joint meeting with Board of Health
  - Mercury product disposal
- 7:45 PM Cemetery Commission - vacancy
- 8:00 PM Adams Barn
- Animal Inspection - discussion
- Appointment of Reserve Police Officers

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- Building Access Policy
- Energy: Supply and Net Metering

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- Selectman Coughlin – Energy and Environmental Affairs/Licenses/Insp/Utilities
- Selectman Reault – Northern Middlesex Council Of Government
- Selectman Lemoine – Economic Development
- Selectman Jackson – Insurance Committee/Meeting Minute Status

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- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

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- Litigation
- Personnel

#### **10. Adjournment**

#### Future Meetings

Next Selectmen's Meeting Monday, March 28, 2011 at 6:00 P.M. at Town Hall Offices.